

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ERCOLE MIRARCHI, Plaintiff, v. SENECA SPECIALTY INSURANCE COMPANY, Defendant.	: : : : : : : : :	CIVIL ACTION No. 10-3617
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AND NOW, this 22nd day of March, 2013, upon consideration of Defendant's Motion for Summary Judgment (Docket Nos. 31, 32), Plaintiff's Opposition and Cross Motion for Summary Judgment (Docket Nos. 33, 34), and the supplements and replies thereto (Docket Nos. 36, 46, 49, 50, 61, 62, 63, 67, 70), and following oral argument on April 12, 2012 and July 23, 2012, it is hereby **ORDERED** that Defendant's Motion (Docket No. 31) is **GRANTED**, and Plaintiff's Motion (Docket No. 33) is **DENIED**. Judgment is entered in favor of Defendant. The Clerk of Court shall mark this case as **CLOSED** for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE